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Regn.No. KERBIL/2012/45073
dated 2012-09-05 with RNI
Reg No.KL/TV(N)/634/2021-2023

കേരള സർക്കാർ
GOVERNMENT OF KERALA

കേരള ഗസറ്റ് KERALA GAZETTE

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്
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Part I(A)
Election

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GOVERNMENT OF KERALA
2022





GOVERNMENT OF KERALA
Election (General) Department
NOTIFICATION

No. 1947/EL1/2020/Elec.

Dated, Thiruvananthapuram, 15th December 2021.

The Election Commission of India's Order No. 76/KL-HP/16/2019 dated 12-11-2021 is hereby re-published.

By Order,

SANJAY M. KAUL,
*Chief Electoral Officer and
Secretary to Govt.*



ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110 001

No. 76/KL-HP/16/2019.

Dated, 12th November, 2021.

21st Karthika, 1943 (Saka).

ORDER

WHEREAS, the General Election to the House of People for 16-Mavelikkara (SC) Parliamentary Constituency of Kerala, 2019 was announced by Election Commission of India vide Notification No. 464/EPS/2019(3) dated 28th March, 2019; and

WHEREAS, as per Section 78 of the Representation of the People Act, 1951, every contesting candidate at an election shall, within 30 days from the date of election of the returned candidate, lodge with the District Election Officer an account of his election expenses which shall be true copy of the account kept by him or his election agent under Section 77; and

WHEREAS, the result of the election for 16-Mavelikkara(SC) Parliamentary Constituency was declared by the Returning Officer on 23rd May, 2019 and hence the last date for lodging the account of Election Expenses was 22nd June, 2019; and

WHEREAS, as per the report dated 24th June, 2019, under Rule 89 of the Conduct of Elections Rules, 1961 submitted by the District Election Officer, Alappuzha District, Kerala, Thollur Rajagopalan, a contesting candidate from 16-Mavelikkara(SC) Parliamentary Constituency of Lok Sabha —2019 from Kerala has failed to lodge account of election expenses, as required under law; and

WHEREAS, on the basis of the said report of the District Election Officer, a Show-Cause Notice No. 76/KL-HP/16/2019, dated 16th December, 2020 was issued under sub rule (5) of Rule 89 of the Conduct of Elections Rules, 1961 by the Election Commission of India to Thollur Rajagopalan, for not lodging of account of Election Expenses; and

WHEREAS, through the above said Show Cause Notice and under sub rule (6) of Rule 89 of the Conduct of Elections Rules, 1961, Thollur Rajagopalan was directed to submit representation in writing to the Commission explaining the reason for not lodging the account and also to lodge account of election expenses with the District Election Officer, Alappuzha within 20 days from the date of receipt of the notice; and

WHEREAS, the District Election Officer, Alappuzha, has reported that the said notice was served to Thollur Rajagopalan on 23-1-2021; and

WHEREAS, the District Election Officer, Alappuzha in his supplementary report, dated 3-11-2021 reported that Thollur Rajagopalan, has not submitted any representation or a statement of correct account of election expenses, duly signed along with original vouchers etc. Further, after receipt of the said notice, Thollur Rajagopalan has neither furnished any reason nor explanation to the Election Commission of India, for failure to lodge the account as prescribed under law; and



WHEREAS, Section 10A of the Representation of the People Act, 1951 Provides that:—

“If the Election Commission is satisfied that a person-

- (a) has failed to lodge an account of election expenses, within the time and in the manner required by or under this Act, and
- (b) has no good reason or justification for the failure,

the Election Commission shall, by order published in the Official Gazette, declare him to be disqualified and any such person shall be disqualified for a period of three years from date of the order.”;

WHEREAS, on the basis of facts and available records, the Commission is satisfied that Thollur Rajagopalan has failed to lodge account of election expenses and has no good reason or justification for the failure to do so; and

NOW, THEREFORE, in pursuance of Section 10A of the Representation of the People Act, 1951, the Election Commission of India hereby declares Thollur Rajagopalan, resident of - Budha Bhavan, Elakamon P.O., Varkala, Thiruvananthapuram, Alappuzha District and a contesting candidate from 16-Mavelikkara (SC) Parliamentary Constituency in the General Election to Lok Sabha of Kerala, 2019, to be disqualified for being chosen as and for being a member of either House of Parliament or the Legislative Assembly or Legislative Council of a State or Union Territory for a period of three years from the date of this order.

AVINASH KUMAR,
Principal Secretary,
Election Commission of India.

